

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ORGANIC SEED GROWERS AND TRADE  
ASSOCIATION, et al.,

Plaintiffs,

v.

MONSANTO COMPANY and MONSANTO  
TECHNOLOGY LLC,

Defendants.

ECF CASE

No. 11-cv-2163-NRB

Jury Demanded

**DECLARATION OF CHUCK NOBLE  
IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANTS'  
MOTION TO DISMISS FOR LACK OF SUBJECT-MATTER JURISDICTION**

I, Chuck Noble, declare as follows:

1. I live in Washington State, but operate a farm in South Dakota, where I grew up.

In practice, I am a dual resident.

2. On my farm, I raise conventional alfalfa forage and seed from second growth alfalfa and wheat for seed and flour. I sell hay for milk and dry dairy cows, beef cattle, sheep, horses, buffalo, goats, llamas and even guineas.

3. I purposefully do not use genetically engineered (GE) seeds. In particular, I do everything I can to avoid having any contact with Monsanto's GE alfalfa seed, as I believe it poses a great risk for society.

4. Some of the seed I plant on my farm is my own, that I grow. However, I also

purchase some seed for planting on my farm. Due to the known risk of contamination of non-GE seed by GE seed within the farming community, I have to regularly test the seed that I purchase to see if it contains GE seed. The cost of this testing for contamination was \$265.00 in the year 2010. The real hard work is figuring out how, where and when testing should be accomplished. I spent considerable hours and months to identify qualified seed testing laboratories that are willing to accurately identify GE contamination if present.

5. Unfortunately, but not surprisingly, the seed I have considered to purchase has at times tested positive for GE contamination. In fact, about one third of all of the seed I tested in 2010 was positive for containing some GE seed. Subsequently, the contaminated seed lot was rejected for purchase by me.

6. I believe my crops are at substantial risk of being contaminated by GE seed. I am aware of contamination risks in general and the specific instances of my being exposed to purchasing contaminated seed. I must test every single purchase of seed that I make. Furthermore, in the long run I am still at risk of being contaminated due to certain circumstances beyond my control.

7. Additionally, the conventional alfalfa seed I grow can be contaminated from pollen flow coming from neighboring GE alfalfa fields. This cross-pollination contaminates my conventional alfalfa seed with GE traits. I am at considerable risk growing or selling conventional alfalfa seed if it is contaminated with GE seed.

8. Other reasons that I believe my crops are susceptible to contamination that could

subject me to a patent infringement lawsuit include:

- a. When I harvest my own seed with a Combine, I am at risk of the Combine being contaminated by other seed fields prior to my fields being harvested.
  - b. The harvested seed cleaning operation could contaminate my seed as well.
  - c. I am aware of several neighbors being contaminated.
9. My attorney asked Monsanto if they would sue me if my alfalfa was ever contaminated by their GE seed. I read the letter Monsanto's lawyers wrote back and they did not seem to give a straight answer. This has caused me to be even more concerned that I may get sued if I am ever contaminated by their seed.

I declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury under the laws of the United States, that the foregoing is true and correct to the best of my knowledge and belief.



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Chuck Noble

Executed on August 1, 2011